

**1728. Misbranding of Kol-N-Zyme. U. S. v. 14 Packages of Kol-N-Zyme and 117 leaflets. Default decree of condemnation and destruction.** (F. D. C. No. 18321. Sample No. 14423-H.)

**LIBEL FILED:** On or about November 2, 1945, Northern District of Ohio.

**ALLEGED SHIPMENT:** From Chicago, Ill., by the Beacon Products Co. The product was shipped on or about August 13, 1945, and the leaflets were shipped on or about April 19, 1945.

**PRODUCT:** 14 packages of *Kol-N-Zyme* and 117 leaflets entitled "*Kol-N-Zyme*," at Orrville, Ohio. Examination showed that the product consisted essentially of karaya gum, ground psyllium seed, and other plant products, together with sugars.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the following statements in the leaflets were false and misleading since the article, which was essentially a bulk-forming laxative, would not be effective to fulfill the promises of benefit stated and implied: "Health conscious people have seldom been offered a product that presents a combination of aids for Better Living, well being and return to normal digestive function, than the combined ingredients in balanced proportion contained in *Kol-N-Zyme*. \* \* \* Laxatives containing irritants achieve no healing result or correction of the cause of costiveness, or failure of normal evacuation. \* \* \* Coating agents such as bismuth, okra, and other palliatives, likewise fail to correct the cause of tenderness, or irritation in the stomach, intestines or colon. \* \* \* The ingredients contained in *Kol-N-Zyme* are formulated in balance, and are recognized for their value in aiding the return of normal functioning of elimination as outlined in the following paragraphs. \* \* \* Mucus, effete and necrotic matter, inactivated tissues are proteins which may be digested by the Papay Enzyme, thus converting a foul condition to a clean condition which is the first principal of healing therapy. \* \* \* Fruit Pectin is well known for its value as a healing agent when ulcer or irritation is present."

**DISPOSITION:** December 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product and leaflets were ordered destroyed.

**1729. Misbranding of Yogurt Culture. U. S. v. 9 Cartons of Yogurt Culture, and enclosed circulars. Default decree of condemnation and destruction.** (F. D. C. No. 18262. Sample No. 23350-H.)

**LIBEL FILED:** On or about November 9, 1945, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about September 27, 1945, by the Health Food Jobbers, from Chicago, Ill.

**PRODUCT:** 9 cartons, each containing 1 bottle, of *Yogurt Culture* at St. Louis, Mo., together with enclosed circulars entitled "*Yogurt Culture A Health Aid*." Examination indicated that the product was a culture of viable lactobacilli, as represented in its labeling.

**LABEL, IN PART:** "Rosell Institute's Original Yogurt Culture \* \* \* International Yogurt Company, Los Angeles, California."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that consumption of milk cultured with the article would enable the user to enjoy better than average health, to retain beauty for a long time, and to keep the spirit of youth for many years; that it would greatly aid health and vitality, prolong life, prevent dysfunction of the vital organs, particularly the gastrointestinal tract, prevent premature old age, and fight unfriendly microbes; and that it constituted an adequate treatment for chronic constipation, colitis, ulcers, and allied intestinal conditions. The article would not be effective for such purposes.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

**DISPOSITION:** November 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1730. Misbranding of Tolergen Tablets. U. S. v. 50 Packages of Tolergen Tablets, and a quantity of printed matter. Default decree of condemnation and destruction.** (F. D. C. No. 15071. Sample No. 92865-F.)

**LIBEL FILED:** January 18, 1945, District of Columbia.

**PRODUCT:** 50 packages of *Tolergen Tablets* which were offered for sale by the Vita Health Food Co., at Washington, D. C. The product was accompanied by a number of leaflets entitled "The Riddle of Allergy," and each package of the product contained a circular entitled "Are you Allergic."

Examination of a sample indicated that the product possessed approximately the composition declared upon its label.

**LABEL, IN PART:** "Tolergen \* \* \* each tablet contains: Ascorbic Acid . . . (100 Mg.) 2000 U. S. P. Units, Irradiated Ergosterol . . . 150 U. S. P. Units, Dicalcium Phosphate Anhydrous 5 grains \* \* \* Distributors Research Drug Company, Inc. 100 Fifth Avenue New York."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the label and in the circulars and leaflets were false and misleading since they represented and suggested that the article would be effective in the prevention and relief of allergic distress, hay fever, rose fever, asthma, eye catarrh, migraine, bad breath, nausea, skin rashes, eczema, hives, diarrhea, itch, pimples, and indigestion; and that it would promote the general health and strength. The article would not be effective for such purposes.

**DISPOSITION:** October 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1731. Misbranding of Tolergen Tablets. U. S. v. 10 Bottles and 18 Bottles of Tolergen Tablets. Default decree of condemnation and destruction. (F. D. C. No. 18680. Sample No. 29579-H.)**

**LABEL FILED:** January 4, 1946, Northern District of California.

**ALLEGED SHIPMENT:** On or about October 5, 1945, by the Western Natural Foods Co., from Seattle, Wash.

**PRODUCT:** 10 40-tablet bottles and 18 50-tablet bottles of *Tolergen Tablets* at Berkeley, Calif.

**LABEL, IN PART:** "Tolergen \* \* \* Each tablet contains: Ascorbic Acid (100 mg.)—2000 U. S. P. Units Irradiated Ergosterol (supplying Vitamin D—150 U. S. P. Units) Dicalcium Phosphate Anhydrous—5 grains with excipient \* \* \* Distributors Research Drug Company, Inc. 100 Fifth Avenue—New York."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the circulars shipped with the article and entitled, "The Riddle of Allergy Now Medical Science has the Answer" and "What to do about your Cosmetic Allergy," were false and misleading since they represented and suggested that the article would be effective for the relief of allergic conditions such as hay fever, rose fever, asthma, eye catarrh, migraine, bad breath, nausea, skin rashes, eczema, hives, diarrhea, itch, pimples, and indigestion; and that it would be effective in the treatment of skin affections, nose and throat troubles, and digestive disturbances. The labeling represented and suggested further that the article would fortify the system against the causes of allergic distress; that it would be beneficial in improving the general condition; and that it would be effective in establishing systemic resistance to allergies. It also represented and suggested that the article would be effective to correct cosmetic allergies and skin troubles caused by wearing apparel; that it would build up a resistance to allergy-producing substances, so that any favorite cosmetic could be used without fear of annoying and unsightly skin troubles; that irritation, roughness, chapping, dryness, and unsightly eruptions of the skin caused by the use of cosmetics would be corrected; and that use of the article would result in clear, glowing, and entirely fresh looking skin. The article would not be effective for the purposes represented.

**DISPOSITION:** March 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1732. Misbranding of Lock's Oil Eucalyptus Compound. U. S. v. 518 Bottles of Lock's Oil Eucalyptus Compound. Default decree of condemnation and destruction. (F. D. C. No. 18145. Sample No. 2951-H.)**

**LABEL FILED:** November 15, 1945, District of Columbia.

**PRODUCT:** 125 1-ounce bottles, 125 2-ounce bottles, 260 4-ounce bottles, and 8 8-ounce bottles of *Lock's Oil Eucalyptus Compound*, held and intended for sale in the District of Columbia in the possession of the G. C. Murphy Co., Washington, D. C. The product was accompanied by labeling consisting of a